

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

UDARA A. WANIGASINGHE,

Defendant.

ORDER

95-cr-73-bbc

Defendant Udara A. Wanigasinghe has asked for an adjustment in his sentence or that he be granted credit for the period of time he spent trying to enter this country from Canada in order to serve the sentence imposed on him in this court. Unfortunate as defendant's situation is, I am aware of no authority that would permit me to adjust the sentence imposed on defendant. The law is clear that sentencing courts have authority to change a sentence only upon motion made by the United States government under Crim. R. Fed. P. 35(b) or if the court of appeals overturns some part of the court's sentence and remands the case to the district court for re-sentencing.

As for credit for time served at the border, defendant should take this issue up with the Bureau of Prisons. It has the authority to credit an inmate with time served in

connection with a federal prosecution.

ORDER

IT IS ORDERED that Udara A. Wanigasinghe's motion for sentence adjustment is DENIED.

Entered this 14th day of April, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge